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TO RUEHC/SECSTATE WASHDC IMMEDIATE 3868
INFO RHMFISS/FBI WASHINGTON DC
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RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1033
RUEKJCS/SECDEF WASHINGTON DC
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS
RUEHBY/AMEMBASSY CANBERRA IMMEDIATE 1129
RUEHWL/AMEMBASSY WELLINGTON IMMEDIATE 0913
RUEHPB/AMEMBASSY PORT MORESBY IMMEDIATE 0039
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 0829
RUEHLI/AMEMBASSY LISBON IMMEDIATE 1017
RUEHDT/AMEMBASSY DILI IMMEDIATE 3293

C O N F I D E N T I A L SECTION 01 OF 03 DILI 000054

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FBI FOR INTERNATIONAL OPERATIONS
JAKARTA FOR LEGATT

E.O. 12958: DECL: 2/19/2018

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SUBJECT: TIMOR-LESTE UPDATE: NATIONAL AUTHORITIES TAKE LEAD IN
SECURITY OPERATIONS

REF: DILI 50 AND PREVIOUS

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CLASSIFIED BY: Henry M. Rector, Deputy Chief of Mission, U.S.
Embassy Dili, Department of State.
REASON: 1.4 (b), (d)

¶1. (C) Summary. Timor-Leste's Council of Ministers has instructed the Armed Forces (F-FDTL) and National Police (PNTL) to direct all security operations in the wake the February 11 attacks on President Ramos-Horta and Prime Minister Xanana Gusmao. This is at variance with the agreement between the GOTL and the United Nations giving the UN Police Mission (UNPOL) supreme authority in police matters, but SRSG Atul Khare has said he will accept it. FBI agents arrive on February 20 to assist with the criminal investigation. Parliament may extend the formal state of siege by another 30 days, but in the meantime, the GOTL is proceeding with business as usual to the greatest extent possible. On February 18, police questioned, then released, the legal advisor to slain would-be assassin Alfredo Reinado. End summary.

FBI assistance

¶2. (C) Three FBI agents, two from the L.A. field office, and one from Jakarta, will arrive on February 20 to assist with the investigation of the attacks of February 11. Embassy is grateful for Washington's support and quick action on this very high level request. Acting President Fernando Lasama de Araujo issued a statement to the local press yesterday announcing and warmly welcoming the assistance.

F-FDTL Commander Given Responsibility for Security Operations

¶3. (C) The Council of Ministers met on Sunday, February 17, and

issued a resolution to create a joint Armed Forces of Timor-Leste (F-FDTL) and National Police (PNTL) command under the leadership of F-FDTL Commander Brigadier Taur Matan Ruak to execute all security operations during the state of siege. Henceforth, the Australian-led International Stabilization Force (ISF) and United Nations Police Mission (UNPOL) will be in a supporting capacity. Reportedly, PM Gusmao initiated this action, in close consultation with Acting President Lasama and key leaders of the National Parliament, to strengthen the nation's efforts to capture the 18-30 men that attacked the PM and president on February 11. Except for the two killed at the scene of the president's shooting, all remain at large and heavily armed. Ambassador and RSO heard on February 18 from the Prosecutor General of the increasing frustration within the Timorese leadership that the ISF, previously in charge of the pursuit, had not been able to capture the culprits. Others have told us of the mounting domestic pressure on the prime minister to place command for these operations in the hands of the Timorese security institutions. The 2/17 resolution makes clear that the F-FDTL and PNTL will continue to perform only those functions specifically established in law; i.e., the military will not assume police functions or vice versa.

14. (C) SRSK Khare told the Ambassador on February 19 that the above decision inadvertently violates the "supplementary arrangements" signed in December 2006 by the GOTL and United Nations Integrated Mission In Timor-Leste (UNMIT) that define the legal status of UN in Timor-Leste. Under the 2006 arrangement, which operationalizes Security Council resolution 1704 of August 2006, the UNPOL Commander is the head of all police forces in Timor-Leste, including the PNTL. The February 17 resolution, however, makes no mention of UNPOL and implies that UNPOL/UNMIT is either a silent partner of the resolution, or that the aspects of the 2006 arrangement regarding the police are void. This poses serious legal problems for UNMIT and Dr. Khare. If he was to fight or renounce the Timorese resolution, he would likely be ignored by the GOTL leadership, lose relevance and his ability to influence events. If he accedes

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and things go badly (e.g., an F-FDTL or PNTL action misfires; is misdirected at the petitioners, say, instead of the fugitives; or massive human rights violations result), the decision not to intercede could haunt UNMIT. For the government of Timor-Leste, however, there is an enormous political imperative to assert national control and take effective action that in the judgment of Embassy Dili must be supported at this point. UNMIT agrees and has come to an understanding with the PM that certain elements of the supplementary arrangement will be in "hiatus" for the course of the state of siege. As an offset, the government and UNMIT agreed to strengthen their coordination for operations and intelligence. On a very positive note, in the case of the February 17 resolution and all other measures enacted since February 11, the GOTL has adhered meticulously to the Constitution, relevant law and established procedures.

Enhanced Security Coordination

15. (C) To operationalize Timorese control, all four security institutions (F-FDTL, PNTL, ISF and UNPOL) have agreed to intensify their coordination. When pressed on the quality of the coordination to date, however, the SRSK told the Ambassador that there have been distinct shortcomings. To begin, on February 11 none of the available emergency communication channels or mechanisms (e.g., Timor's version of 911 or the National Crisis Operations Center) were utilized. An NGO that happened to be near the scene of the president's shooting was the first to notify the police. The president's F-FDTL close protection unit neither reported the incident nor used any of the established emergency procedures. More recently, the first step after the February 17 resolution to create a Timorese-led security command was to have been the drawing up of an F-FDTL/PNTL coordinated plan of operations into which ISF and UNPOL would be integrated. No plan has yet emerged. If all

goes right, the F-FDTL/PNTL joint command could result in the building of effective, respectful working relationships between these two embittered Timorese institutions, but many obstacles to this end, both cultural and historical, will have to be overcome. In the meantime, all UNPOL training and mentoring programs for the PNTL have been suspended for the duration of the siege.

Extension of State of Siege?

17. (C) If the culprits are not captured by February 23, the government is considering a thirty-day renewal of the state of siege as provided by the constitution. In addition to the temporary suspension of the rights of assembly, demonstration and movement (during the evening curfew), the government may propose to parliament extending the 72-hour period that a suspect can be held for interrogation prior to being presented to a judge to seven days. In addition, the service of warrants at night will be permitted. Acting President Lasama has written to the UN Secretary General explaining the measures taken in accordance with the state of siege and emphasizing that all other freedoms protected under the Timorese Constitution continue to be respected. UNMIT supports maintaining the state of siege until the February 11 culprits are caught. SRSG Khare gave miniscule odds that the 18-30 attackers, seventeen of which have outstanding warrants against them, will be arrested in the next few days. Efforts are also being made by UNMIT through the church to encourage their surrender, but Khare judges the probability of this occurring even lower. Salsinha, one of the fugitives, has appeared on Indonesian television stating he has no intention of surrendering.

Other Priorities

18. (SBU) To an admirable extent, the government has continued to work on other priorities. A program to slash food rations for IDP camp members has been maintained and 400 IDP families either have registered for government assistance to be

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reintegrated into their old neighborhoods or have done so (but this represents only 10 percent of the IDP population; it cannot be said that a momentum for reintegration has been established).

Some 140 "petitioners" have arrived in Dili to accept government assistance and possible screening for readmittance into the military. The Finance Minister, in meetings with the Ambassador, has strongly urged that bilateral work begin soon toward an MCC compact. In our meetings with the Timorese leadership we will encourage the government to remain focused on these priorities and on improving government investment and services in general.

Reinado's Legal Advisor Questioned

19. (U) Timorese prosecutors called the February 18 arrest of Angelita Pires, Alfredo Reinado's former legal advisor, "a breakthrough in the investigation." She was detained for "possible conspiracy for crimes against the state," according to the Prosecutor General, and released after four hours of questioning in a closed court appearance in Dili. Pires was scheduled to fly to Darwin yesterday, but was ordered not to leave the country while the investigation is ongoing.

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